

REMARKS

Specification

Applicant has amended the specification to separately identify elements called out in the specification as well as the drawings. No new matter has been added.

Drawing Changes

Applicant has changed Figure 3 to separately identify the terminal post. No new matter has been added.

Claim Rejections

In the Non-Final Office Action mailed on March 17, 2004, the Examiner reviewed claims 1-9. Apparently, the Examiner did not examine claims 10-13, which were pending. Accordingly Applicant requests that any subsequent Office Action not be made final. In addition, Applicant has amended the application and believes its currently pending claims, claims 1-10 and 14-17, to be in condition for allowance.

Applicant has amended claim 1 to include the limitations of original claims 2 and 3. Claim 1 now requires, “a motor protector for limiting operation of said motor and activatable upon a predetermined condition, said motor protector having a switch that limits operation of said motor upon said predetermined condition” and “wherein activation of said switch activates said signaling device.” These features are not shown by the cited references either alone or in combination. Specifically, *Jayanth, et al.* (US 6,615,594 B2) does not describe a motor protector having a switch “wherein activation of

said switch activates said signaling device.” In the previous rejection of claim 3 pursuant to 35 U.S.C. §102(e), the Examiner points to a portion of *Jayanth, et al.* to support the contention that it discloses the activation of a switch that activates a signaling device. [See *Jayanth, et al.*, column 2, lines 30-37]. However, this portion of *Jayanth, et al.* does not indicate that activation of a switch that activates the signaling device. Instead, *Jayanth, et al.* uses current sensors 102 along with logic circuitry to determine if a fault condition exists and whether to issue a fault signal. [*Jayanth, et al.*, column 5, lines 25-45]. Hence, *Jayanth, et al.* looks to current signals rather than a status of a switch to cause activation of a fault signal. For this reason, claim 1 and its dependents, claims 3-9, stand in condition for allowance.

Claim 3 depends upon claim 1. In addition to the reasons set forth above, claim 3 is in condition for allowance as amended because it requires, “wherein activation of said switch activates said signaling device by diverting power to said signaling device from said motor.” This feature is not shown by the cited references either alone or in combination. Therefore, claim 3 is in condition for allowance.

Claim 4 depends upon claim 3 and is in condition for allowance because of this dependence. In addition, claim 4 requires, “said switch is mounted electrically in parallel with said signaling device.” There is no showing at this feature in the cited references. Therefore, claim 4 is in condition for allowance.

Claim 5 depends upon claim 3 and is in condition for allowance for this reason. In addition, claim 5 requires “when said switch is open, current will flow to said signaling device.” This feature is not shown by the cited references either alone or in combination. The examiner contends this feature is shown by *Jayanth, et al.* However,

as noted before, there is no indication within *Jayanth, et al.* indicating that when the switch is open, current will flow to the signaling device. Instead, this determination is made by logic circuitry rather than the act of opening up the switch. For this reason, claim 5 is in condition for allowance.

Claim 10 requires, “said motor protector switch including a switch which is selectively open to stop operation of said electric motor, and a signaling device associated with said motor protector switch to provide a signal external to a compressor housing when said switch is open.” This feature is not shown in the cited references either alone or in combination. Therefore, claim 10 is in condition for allowance.

Applicant has also added new claim 14, which requires “said signaling device comprising a terminal post.” The Examiner contends this feature is shown by *Jayanth, et al.* by elements 110 and 112. However, elements 110 and 112 are, in fact, lights and not terminal posts. Because they are lights, in fact LED lights, they are not terminal posts that would be of ready access to a technician to check the status of the circuit as the Examiner indicates. For this reason, claim 14 and its depends, claims 15-17, stand in condition for allowance.

Claim 15 requires, “said terminal post comprises a first terminal post and a second terminal post.” This features is not shown by the cited references because *Jayanth, et al.* shows only LED lights and not terminal posts.

Claim 16 depends upon claim 15 and is in condition for allowance for this reason. In addition, claim 15 requires, “said first terminal post and said second terminal post form a circuit with a switch of said detector.” There is no showing that the lights 110, 112 form a circuit with a switch of the protector. Indeed, *Jayanth, et al.* reveals these lights

form a circuit with logical circuitry 104 and not with any switch if one were identified in protector 54. [*Jayanth, et al.*, column 5, lines 42-51].

Claim 17 depends upon claim 16 and is allowable for this reason. Claim 17 further requires, "said first terminal post and said second terminal post form an open circuit with said switch when said switch is open." This feature is not shown by any of the cited references either alone or in combination. Therefore, claim 17 is in condition for allowance.

For the foregoing reasons, Applicant requests allowance of claims 1-10 and 14-17.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

Anthony P. Cho
Registration No. 47,209
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

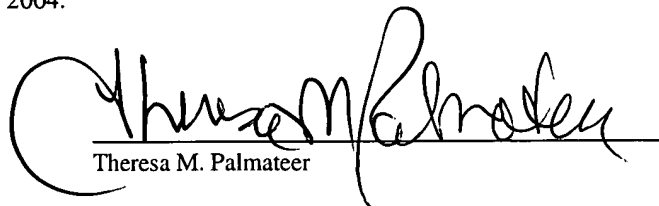
Dated: June 7, 2004



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CERTIFICATE OF MAILING

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 7, 2004.


Theresa M. Palmateer

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